

Health Insurance Portability and Accountability Act ("HIPAA") Privacy Policy

John Chappuis, Deputy Director

Date: February 27, 2003

Revised Date:

Policy Title:	Amendment of Protected Health Information		
Policy Number:	005	Version:	1.0
Approved By:	John Chappuis		
Date Approved:	February 27, 2003		

Purpose:

This policy addresses the rights of clients to correct or amend incorrect or incomplete Protected Health Information ("PHI").

Policy:

1. **A client has the right to request, in writing, that DPHHS correct or amend PHI held by DPHHS. A client may request that the corrected PHI be sent to previous recipients of the information.**
 - a. Within thirty (30) days of the dated receipt of a request, DPHHS must either make the requested correction or amendment or deny the request in writing. DPHHS may request a 30 day extension if they are unable to comply with the request within the time limits. A DPHHS provider must respond to a request to amend PHI within ten (10) working days. If unusual circumstances delay the response, DPHHS providers must inform the client and specify a date within 21 days of the original request when the request will be dealt with (MCA 50-16-543).
 - b. An amendment or correction may either be made as part of the PHI or the challenged entry may be marked as corrected or amended with indications of where in the record the amended information may be found.
 - c. A request for amendment may be denied in writing if:
 - i. The record no longer exists or cannot be found;
 - ii. The record is maintained by another entity in which case, DPHHS must advise the client of the name and address, if known, of the person who maintains the record; or
 - iii. DPHHS believes the record to be correct

- d. A denial of the amendment must be written in layman's language and must contain:
 - i. The basis for the denial;
 - ii. the client's right to submit a written statement disagreeing with the denial and have that statement sent to previous and future recipients of the PHI; and
 - iii. A description of how the client can complain to DPHHS or to HHS. DPHHS can reasonably limit the length of a statement of disagreement.
- e. If DPHHS chooses to create a written rebuttal of the statement of disagreement, a copy must be supplied to the client.
- f. Future disclosures of the PHI must contain either the original request for amendment or the statement of disagreement.